

1 Neel Chatterjee (SBN 173985)  
nchatterjee@goodwinlaw.com  
2 **GOODWIN PROCTER LLP**  
135 Commonwealth Drive  
3 Menlo Park, California 94025  
Tel.: +1 650 752 3100  
4 Fax.: +1 650 853 1038

5 Brett Schuman (SBN 189247)  
bschuman@goodwinlaw.com  
6 Shane Brun (SBN 179079)  
sbrun@goodwinlaw.com  
7 Rachel M. Walsh (SBN 250568)  
rwalsh@goodwinlaw.com  
8 Hayes P. Hyde (SBN 308031)  
hhyde@goodwinlaw.com  
9 **GOODWIN PROCTER LLP**  
Three Embarcadero Center  
10 San Francisco, California 94111  
Tel.: +1 415 733 6000  
11 Fax.: +1 415 677 9041

12 Hong-An Vu (SBN 266268)  
hvu@goodwinlaw.com  
13 **GOODWIN PROCTER LLP**  
601 S. Figueroa Street, 41st Floor  
14 Los Angeles, CA 90017  
Tel.: +1 213 426 2500  
15 Fax.: +1 213 623 1673

16 *Attorneys for Defendant:*  
17 *Otto Trucking LLC*

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 **SAN FRANCISCO DIVISION**

21 WAYMO LLC,

22 Plaintiff,

23 v.

24 UBER TECHNOLOGIES, INC.;  
25 OTTOMOTTO LLC; OTTO TRUCKING  
26 LLC,

27 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANT OTTO TRUCKING'S  
OPPOSITION AND NOTICE TO JOIN  
AND ADOPT DEFENDANTS UBER  
TECHNOLOGIES, INC.'S AND  
OTTOMOTTO LLC'S OPPOSITION TO  
PLAINTIFF WAYMO LLC'S MOTION *IN*  
*LIMINE* NO. 4**

Courtroom: 8  
Judge: Hon. William Alsup  
Trial Date: October 10, 2017

REDACTED VERSION OF DOCUMENT  
SOUGHT TO BE SEALED

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant Otto Trucking, LLC ("Otto Trucking") hereby  
 3 opposes Plaintiff Waymo's Motion *In Limine* No. 4 and joins and adopts Co-Defendants Uber  
 4 Technologies, Inc.'s ("Uber") and Ottomotto LLC's ("Ottomotto") Opposition to Waymo's Motion  
 5 *in Limine* No. 4 (Dkt. No. 978) (the "Opposition"). In support of the Opposition, Otto Trucking  
 6 states as follows:

7 1. On July 17, 2017, Plaintiff Waymo LLC filed its Motion *in Limine* No. 4 to preclude  
 8 any argument, testimony, or evidence about efforts taken in response to the Court's Preliminary  
 9 Injunction order, including to preclude any reference to the questionnaires and witness interviews  
 10 Defendants did during the litigation.

11 2. On July 21, 2017, Co-Defendants Uber and Ottomotto submitted their Opposition to  
 12 Waymo's Motion *in Limine* No. 4 (Dkt No. 978).

13 3. Otto Trucking joins and adopts, as if set out verbatim herein, the arguments,  
 14 authorities, contentions, and prayers of Co-Defendants Uber and Ottomotto set forth in the  
 15 Opposition for the reason that said response is equally applicable to Otto Trucking in the above-  
 16 captioned matter.<sup>1</sup> Otto Trucking further states that:

17 a. Otto Trucking is a limited liability company with no operations or facilities. Otto  
 18 Trucking's wholly-owned subsidiary, Otto Transport LLC ("Otto Transport") owns  
 19 three trucks. Neither Otto Trucking nor Otto Transport are involved in the  
 20 development of LiDAR and [REDACTED]

21 [REDACTED].  
 22 b. Otto Transport's address is the same as one of the facilities inspected by Waymo in  
 23 this litigation. During that inspection, none of Waymo's lawyers or experts found  
 24 any of the allegedly "downloaded files." Nevertheless, Otto Trucking offered to  
 25 make Otto Transport's trucks available for inspection on July 6, 2011. Waymo  
 26

27 <sup>1</sup> Otto Trucking clarifies that Waymo has no evidence that Mr. Levandowski took any "downloaded  
 28 files" such that any needed to be returned or provided to Uber. Otto Trucking disputes Waymo's  
 suggestion that any such activity occurred.

1           responded on July 20, 2017 requesting a further inspection of Defendants' premises  
2           and the Otto Transport trucks.

3           c. Waymo has no evidence that Otto Trucking received any purported trade secrets or  
4           did anything involving the Spider or Fuji LiDAR systems that allegedly contained  
5           Waymo's purported trade secrets. As is the case for Co-Defendants Uber and  
6           Ottomotto, Waymo's investigation of Otto Trucking has failed to yield any evidence  
7           that the alleged "downloaded materials" are in Otto Trucking's possession. Otto  
8           Trucking personnel Lior Ron, Adam Bentley, and Rhian Morgan have no knowledge  
9           of the downloaded materials. Accordingly, Otto Trucking should be allowed to  
10          show at trial that Waymo's investigation of Otto Trucking came up empty.

11          4. Otto Trucking joins and adopts Co-Defendants' Opposition to best serve justice and  
12          avoid unnecessary or duplicative, effort, time, or expense to the parties involved.

13          WHEREFORE, Defendant Otto Trucking LLC hereby opposes Plaintiff Waymo's Motion *In*  
14          *Limine* No. 4 joins and adopts Co-Defendants' Opposition to Waymo's Motion *in Limine* No. 4 (Dkt  
15          No. 978).

16  
17          Dated: July 21, 2017

Respectfully submitted,

18          By: /s/ Neel Chatterjee  
19               Neel Chatterjee  
              nchatterjee@goodwinlaw.com  
20               Brett Schuman  
              bschuman@goodwinlaw.com  
21               D. Shane Brun  
              sbrun@goodwinlaw.com  
22               Rachel M. Walsh  
              rwalsh@goodwinlaw.com  
23               Hong-An Vu  
              hvu@goodwinlaw.com  
24               Hayes P. Hyde  
              hhyde@goodwinlaw.com

25  
26               Attorneys for Defendant:  
              Otto Trucking LLC

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **July 21, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I certify under penalty of perjury that the foregoing is true and correct.

Executed on **July 21, 2017**, at Menlo Park, California.

/s/ Neel Chatterjee  
NEEL CHATTERJEE